

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:

INTEL CORP. MICROPROCESSOR
ANTITRUST LITIGATION

MDL Docket No. 05-1717-JJF

PHIL PAUL, on behalf of himself and all others
similarly situated,

Plaintiffs,

v.

INTEL CORPORATION,

Defendant.

C.A. No. 05-485-JJF

CONSOLIDATED ACTION

This document relates to:

HUSTON FRAZIER, JEANNE COOK
FRAZIER, and BRIAN WEINER, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

INTEL CORPORATION,

Defendant.

C.A. No. 05-780-JJF

**PLAINTIFF BRIAN WEINER' S MOTION TO WITHDRAW
AS CLASS REPRESENTATIVE**

I. INTRODUCTION

Pursuant to Fed. R. Civ. Proc. 41(a)(2), plaintiff Brian Weiner, through his attorneys, brings this motion and accompanying stipulation in good faith and respectfully requests leave of Court to voluntarily withdraw from serving as a class representative in the above-captioned matter without prejudice to his rights as an absent class member.

II. STATEMENT OF FACTS

On July 11, 2005, Brian Weiner, with class representatives Huston Frazier and Jeanne Cook Frazier filed a complaint (Civ. No. C-05-2813-JL) in the United States District Court for the Northern District of California against Intel Corporation, asserting violations of Section 1 of the Sherman Antitrust Act, 15 U.S.C. §1, California's tort law against monopoly, California Cartwright Act, and California Business and professions Code. That action was ultimately transferred to this Court, pursuant to the November 8, 2005 Transfer Order issued by the Judicial Panel on Multidistrict Litigation, and subsequently designated by this Court as Case No. 1:05-cv-00780-JJF. Additionally, this Court consolidated all the cases transferred from other districts as well as cases that were filed in this district, consisting of over seventy plaintiffs, and designated the cases as *Phil Paul, et al. v. Intel Corporation*, C.A. No. 05-00485-JJF (the "Consolidated Action").

Brian Weiner is no longer able to participate in this action as a class representative and seeks leave of court to withdraw from serving in that capacity, without prejudice to his rights as an absent member of the class.

Defendant Intel Corporation ("Defendant") does not oppose this motion. Counsel for the parties have stipulated to that effect.

III. ARGUMENT

Federal courts allow plaintiffs to withdraw as class representatives when, as here, the voluntary withdrawal sought is in good faith and "unless the defendant would suffer prejudice other than the prospect of a second lawsuit or some tactical advantage." *In re Currency Conversion Fee Antitrust Litigation*, MDL No. 1409, M 21-95, 2004 WL 2453927, at *1 (S.D.N.Y. 2004) (Exhibit A) (granting plaintiffs' motion to withdraw as class representative and denying defendants' motion to depose withdrawing plaintiffs); *see also*, e.g. *Arney v. Finney*, 766 F.Supp 934, 941 (D. Kan. 1991) (granting motion for leave to withdraw as class representative); *In re Insurance Management Solutions Group, Inc.*

Securities Litigation, 206 F.R.D. 514, 515 (M.D. Fla. 2002) (permitting withdrawal of named plaintiff and class representative six days before class certification).

Brian Weiner' s withdrawal as class representative is in good faith and the withdrawal will not prejudice Defendant. Additionally, Mr. Weiner' s withdrawal will not adversely impact the viability or continuation of this class action because the remaining class representatives in the Consolidated Action, at least seven of whom remain to represent the rights of consumers in the State of New York, adequately protect the interests of absent class members and will continue to do so.

Finally, on November 3, 2006, interim class counsel informed counsel for Defendant of their intention to voluntarily withdraw Mr. Weiner as class representative. Defendant has no objections to such withdrawal, and requested only that a motion to withdraw under Rule 41 be filed. Interim class counsel conferred with defense counsel and stipulated that Defendant does not oppose this motion. Based on their meet and confer, counsel for the parties stipulated to Mr. Weiner' s voluntary withdrawal, reflected in the attached Stipulation and [Proposed] Order Granting Plaintiff Brian Weiner' s Motion to Withdraw as Class Representative.

IV. CONCLUSION

For the foregoing reasons, plaintiff Brian Weiner respectfully requests that the Court grant his motion for voluntary dismissal as class representative, without prejudice to his rights as an absent class member.

Dated: November 21, 2006

PRICKETT JONES & ELLIOTT, P.A.

OF COUNSEL:

Michael P. Lehmann
Thomas P. Dove
Alex C. Turan
FURTH LEHMANN & GRANT LLP
225 Bush Street, 15th Floor
San Francisco, CA 94104
Telephone: (415) 433-2070

Michael D. Hausfeld
Daniel A. Small
Brent W. Landau
COHEN MILSTEIN HAUSFELD & TOLL,
P.L.L.C.
1100 New York Avenue, N.W.
Suite 500, West Tower
Washington, DC 20005
Telephone: (202) 408-4600

Steve W. Berman
Anthony D. Shapiro
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292

Guido Saveri
R. Alexander Saveri
SAVERI & SAVERI, INC.
111 Pine Street, Suite 1700
San Francisco, CA 94111
Telephone: (415) 217-6810

Interim Class Counsel, MDL 1717

By: 

James L. Holzman (#663)
J. Clayton Athey (#4378)
Laina M. Herbert (#4717)
1310 King Street
P.O. Box 1328
Wilmington, DE 19899
jlholzman@prickett.com
jcathey@prickett.com
lmherbert@prickett.com
Telephone: (302) 888-6500
Facsimile: (302) 658-8111

*Interim Liaison Counsel for the Class
Plaintiffs*

EXHIBIT A

Westlaw.

Not Reported in F.Supp.2d

Page 1

Not Reported in F.Supp.2d, 2004 WL 2453927 (S.D.N.Y.)
(Cite as: Not Reported in F.Supp.2d)

H

Briefs and Other Related Documents

In re currency Conversion Fee Antitrust Litigation S.D.N.Y., 2004. Only the Westlaw citation is currently available.

United States District Court, S.D. New York.

In re CURRENCY CONVERSION FEE
ANTITRUST LITIGATION
No. MDL NO. 1409, M 21-95.

Nov. 3, 2004.

MEMORANDUM AND ORDER

PAULEY, J.

*1 This action consolidates several putative class actions filed in this district or transferred to this Court by the Judicial Panel on Multi-District Litigation. The Second Consolidated Amended Complaint alleges violations of the Sherman Act, 15 U.S.C. § 1 *et seq.*, and the Truth in Lending Act ("TILA"), 15 U.S.C. § 1601 *et seq.*, arising out of an alleged price-fixing conspiracy by and among VISA, MasterCard and their member banks with respect to currency conversion fees.^{FN1}

FN1. Familiarity with this Court's prior Memorandum and Order is presumed. *See In re Currency Conversion Fee Antitrust Litig.*, 265 F.Supp.2d 385 (S.D.N.Y.2003).

Presently before this Court is a motion to withdraw by seven (7) class representatives ("Withdrawing Plaintiffs"), and defendants' application to depose each of them. For the reasons set forth below, the Withdrawing Plaintiffs' motion is granted, and defendants' motion is denied.

DISCUSSION

On February 10, 2004, seven named plaintiffs^{FN2} filed a Notice of Withdrawal as class

representatives.^{FN3} Defendants oppose withdrawal, arguing that the Withdrawing Plaintiffs may not withdraw unilaterally as class representatives, without this Court's approval pursuant to Rules 21 and 41(a)(2) of the Federal Rules of Civil Procedure. (Defendant's Memorandum in Opposition of Withdrawal, dated Feb. 20, 2004 ("Def.Mem.") at 4.) Defendants further contend that if this Court allows withdrawal, they should nevertheless be allowed to depose the Withdrawing Plaintiffs to learn the "circumstances surrounding [their] putative 'withdrawals.'" (Letter to the Court from Brian P. Brosnahan, dated Oct. 18, 2004 at 2.)

FN2. These plaintiffs are Howard Steinlauf, Caran Ruga, Ester Grace Javier, Jonathan Lipner, Tim Lynch, Diane Lynch and Pamela Geller Oshrey.

FN3. During the briefing of these motions, the Withdrawing Plaintiffs invoked Rule 21 to withdrew from the pending actions. (Letter to the Court from Christopher M. Burke, dated Oct. 13, 2004 at 3.)

Rule 23 of the Federal Rules of Civil Procedure requires that the class representatives' interests be congruent with those of the class. *See Deposit Guar. Nat'l Bank v. Roper*, 445 U.S. 326, 331 (1980) (stating that class representatives must "represent the collective interest of the putative class" in addition to their own private interests); *see also Maywalt v. Parker & Parsley Petroleum Co.*, 67 F.3d 1072, 1077 (2d Cir.1995) ("Both class representatives and class counsel have responsibilities to absent members of the class."); *In re Avon Sec. Litig.*, No. 91 CIV. 2287(LMM), 1998 WL 834366, at *10 n. 5 (S.D.N.Y. Nov. 30, 1998) ("Even before a class has been certified, counsel for the putative class owes a fiduciary duty to the class.").

Class plaintiffs must adequately represent the

Not Reported in F.Supp.2d

Page 2

Not Reported in F.Supp.2d, 2004 WL 2453927 (S.D.N.Y.)
(Cite as: Not Reported in F.Supp.2d)

interests of absent class members. *See Maywalt*, 67 F.3d at 1078 (“The ultimate responsibility to ensure that the interests of class members are not subordinated to the interests of either the class representatives or class counsel rests with the district court.”). Plaintiffs suggest that the Withdrawing Plaintiffs’ are unable to protect the interests of class members. (Plaintiff’s Reply in Support of Withdrawal, dated Apr. 1, 2004 (“Reply.Mem.”) at 3-4.) A court may allow plaintiffs to withdraw as class representatives. *See, e.g., In re Relafen Antitrust Litig.*, 218 F.R.D. 337, 341 n. 4 (D.Mass.2003); *Krim v. pcOrder.com, Inc.*, 210 F.R.D. 581, 583 n. 2 (W.D.Tex.2002). If the Withdrawing Plaintiffs are inadequate representatives, due process requires their withdrawal as class representatives. *See, e.g., Avon Sec.*, 1998 WL 834366, at *10 (allowing plaintiffs’ counsel to substitute class representatives where “success in asserting rights or defenses of a client in litigation in the nature of a class action is dependent upon the joinder of others”). Indeed, “[a]bsent a good reason ... a plaintiff should not be compelled to litigate if it doesn’t wish to.” *Org. of Minority Vendors, Inc. v. Ill. Cent. Gulf R.R.*, No. 79 C 1512, 1987 WL 8997, at *1 (N.D.Ill. Apr. 2, 1987); *accord In re Neopharm, Inc. Sec. Litig.*, No. 02 C 2976, 2004 WL 742084, at *1 (N.D.Ill. Apr. 7, 2004); *see also Conafay v. Wyeth Labs.*, 793 F.2d 350, 353 (D.C.Cir.1986) (noting that in federal practice, voluntary dismissals sought in good faith are generally granted “unless the defendant would suffer prejudice other than the prospect of a second lawsuit or some tactical advantage.”). Here, the Withdrawing Plaintiffs seek not only to withdraw as class representatives, but as plaintiffs as well. To ensure that reluctant plaintiffs do not jeopardize the interests of absent class members, this Court approves the Withdrawing Plaintiffs’ application.

*2 As noted above, defendants seek to depose the Withdrawing Plaintiffs to learn about the circumstances surrounding their withdrawals. “[T]he burden on the defendant to justify discovery of absent class members by means of deposition is particularly heavy.” *Redmond v. Moody’s Investor Serv.*, No. 92 Civ. 9161(WK), 1995 WL 276150, at *1 (S.D.N.Y. May 10, 1995). Indeed, “discovery of absent class members regarding individual issues,

as opposed to common questions, is inappropriate.” *Redmond*, 1995 WL 276150, at *1. Here, defendants seek depositions for individual issues, and therefore have not overcome their heavy burden to justify such a request. Accordingly, this Court holds that defendants may not depose the Withdrawing Plaintiffs.^{FN4}

FN4. To the extent defendants can show expenses incurred with respect to their attempts to depose the Withdrawing Plaintiffs, “the proper remedy for such wasted expenditures would be reimbursement of costs rather than a denial of voluntary dismissal.” *In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 304 (D.D.C.2000).

CONCLUSION

For the foregoing reasons, the Withdrawing Plaintiffs’ motion is granted, and defendants’ motion to depose the Withdrawing Plaintiffs is denied.

S.D.N.Y.,2004.

In re Currency Conversion Fee Antitrust Litigation
 Not Reported in F.Supp.2d, 2004 WL 2453927
 (S.D.N.Y.)

Briefs and Other Related Documents (Back to top)

- 2005 WL 4000674 (Trial Motion, Memorandum and Affidavit) Memorandum of Law in Support of Defendants’ Motion for Dismissal of *Ross v. Bank of America Under Rule 41(b)* (Nov. 14, 2005) Original Image of this Document (PDF)
- 2005 WL 3662766 (Trial Motion, Memorandum and Affidavit) Memorandum of Law in Support of the Motion of Defendants Citigroup Inc., Citibank (South Dakota), N.A., Universal Bank, N.A., Universal Financial Corp., and Citicorp Diners Club, Inc. for a Stay of Litigation Pending Arbitration (Jan. 7, 2005)
- 2004 WL 3655632 (Trial Motion, Memorandum and Affidavit) Defendants’ Joint Reply Memorandum in Support of Motion for Reconsideration of Order Granting Class Certification (Dec. 1, 2004)

Not Reported in F.Supp.2d

Page 3

Not Reported in F.Supp.2d, 2004 WL 2453927 (S.D.N.Y.)
(Cite as: Not Reported in F.Supp.2d)

- 2004 WL 2973928 (Trial Motion, Memorandum and Affidavit) Defendant Citibank's Memorandum of Law in Opposition to Plaintiffs' Motion to Certify a Subclass under County of the Second Consolidated Amended Class Action Complaint (Feb. 18, 2004)
- 2003 WL 23671548 (Trial Motion, Memorandum and Affidavit) Plaintiffs' Motion for Class Certification (Nov. 12, 2003)
- 2003 WL 24330169 () (Report or Affidavit) (Nov. 11, 2003) Original Image of this Document (PDF)
- 2003 WL 24334342 (Trial Pleading) Second Consolidated Amended Class Action Complaint (Aug. 14, 2003) Original Image of this Document (PDF)
- 2003 WL 23671546 (Trial Motion, Memorandum and Affidavit) Plaintiffs' Memorandum in Support of Their Position That Disputed Document BOA2072-BOA2077 is Not Privileged (Jun. 15, 2003)
- 2003 WL 23671547 (Trial Motion, Memorandum and Affidavit) Plaintiffs' Reply Memorandum in Support of Their Position that Disputed Document BOA2072-BOA2077 is not Privileged (Jan. 15, 2003)
- 2002 WL 32595541 (Trial Motion, Memorandum and Affidavit) Memorandum of Points and Authorities In Support of Phil Salvagio's Notice of Voluntary Dismissal Without Prejudice and Motion for Court Approval Thereof (Jun. 25, 2002)
- 2002 WL 32595540 (Trial Motion, Memorandum and Affidavit) Reply Memorandum of Law in Support of Defendants' Motion to Dismiss the Consolidated Amended Class Action Complaint (May. 24, 2002)
- 2002 WL 32595543 (Trial Motion, Memorandum and Affidavit) Reply Memorandum in Support of Motion of Defendants First USA Bank, N.A., Bank One Corporation, Bank of America, N.A. (USA), Bank of America Corporation, Mbna America Bank, N.A., and Mbna Corporation To Compel Arbitration (May. 24, 2002)
- 2002 WL 32595538 (Trial Motion, Memorandum and Affidavit) Plaintiffs' Opposition to Defendants' Motions to Dismiss the Consolidated Amended Class Action Complaint (May. 03, 2002)
- 2002 WL 32595539 (Trial Motion, Memorandum and Affidavit) Plaintiffs' Memorandum of Law in Opposition to Motion of Defendants First USA

- Bank, N.A., Bank One Corporation, Bank of America Corporation, Bank of America, N.A. (U.S.A.), MBNA America Bank, N.A., and MBNA Corporation to Compel Arbitration (May. 03, 2002)
- 2002 WL 32595525 (Trial Motion, Memorandum and Affidavit) Memorandum in Support of Citigroup Defendants' Motion to Dismiss (Mar. 21, 2002)
- 2002 WL 32595529 (Trial Motion, Memorandum and Affidavit) Memorandum in Support of Motion of Defendants First USA Bank, N.A., Bank One Corporation, Bank of America, N.A. (USA), Bank of America Corporation, MBNA America Bank, N.A., and MBNA Corporation to Compel Arbitration (Mar. 21, 2002)
- 2002 WL 32595536 (Trial Motion, Memorandum and Affidavit) Memorandum of Law in Support of Defendants' Motion to Dismiss the Consolidated Class Action Complaint (Mar. 21, 2002)
- 2001 WL 34611472 (Trial Motion, Memorandum and Affidavit) Plaintiffs' Opposition to Defendants' Motion to Stay Discovery (Oct. 25, 2001)
- 2001 WL 34611470 (Trial Motion, Memorandum and Affidavit) Memorandum of Law in Support of Defendants' Motion to Stay Discovery (Oct. 17, 2001)
- 2000 WL 34403316 (Trial Motion, Memorandum and Affidavit) Memorandum of Defendants Bank of America Corporation and Bank of America, N.A. (USA) in Opposition to Plaintiffs' Application to Compel the Production of the Privileged Document BOA 2072 - BOA 2077 (Jan. 15, 2000)

END OF DOCUMENT

CERTIFICATE OF SERVICE

I, J. Clayton Athey, hereby certify that on this 21st day of November, 2006, I caused the foregoing **PLAINTIFF BRIAN WEINER' S MOTION TO WITHDRAW AS CLASS REPRESENTATIVE** to be served on the following counsel via electronic filing:

Frederick L. Cottrell, III, Esquire
Chad Michael Shandler, Esquire
Steven J. Fineman, Esquire
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899
cottrell@rlf.com
shandler@rlf.com
fineman@rlf.com
Counsel for AMD International Sales & Service LTD and Advanced Micro Devices, Inc.

Adam L. Balick, Esquire
Bifferato Gentilotti Biden & Balick
711 North King Street
Wilmington, DE 19801-3503
abalick@bgbbllaw.com
Counsel for AMD International Sales & Service LTD and Advanced Micro Devices, Inc.

Richard L. Horwitz, Esquire
W. Harding Drane, Jr., Esquire
Potter Anderson & Corroon, LLP
1313 N. Market St., Hercules Plaza, 6th Flr.
P.O. Box 951
Wilmington, DE 19899-0951
rhhorwitz@potteranderson.com
wdrane@potteranderson.com
Counsel for Intel Corporation and Intel Kabushiki Kaisha

Charles P. Diamond, Esquire
Mark A. Samuels, Esquire
Linda J. Smith, Esquire
O'Melveny & Myers LLP
1999 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067
CDiamond@omm.com
MSamuels@omm.com
lsmith@omm.com
Counsel for AMD International Sales & Service LTD and Advanced Micro Devices, Inc.

Laurin Grollman, Esquire
Salem M. Katsh, Esquire
Kasowitz, Benson, Torres & Friedman LLP
1633 Broadway
New York, New York 10019
lgrollman@kasowitz.com
skatsh@kasowitz.com
Counsel for AMD International Sales & Service LTD and Advanced Micro Devices, Inc.

David Mark Balabanian, Esquire
Joy K. Fuyuno, Esquire
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA 94111-4067
david.balabanian@bingham.com
joy.fuyuno@bingham.com
Counsel for Intel Corporation

Christopher B. Hockett, Esquire
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA 94111
chris.hockett@bingham.com
Counsel for Intel Corporation

Daniel S. Floyd, Esquire
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California
90071-3197
dfloyd@gibsondunn.com
Counsel for Intel Corporation

Robert E. Cooper, Esquire
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California
90071-3197
rcooper@gibsondunn.com
Counsel for Intel Corporation

Donald F. Drummond, Esquire
Drummond & Associates
One California Street, Suite 300
San Francisco, CA 94111
ballen@drummondlaw.net
*Counsel for Dressed to Kill Custom Draperies
LLC, Jose Juan, Tracy Kinder and Edward
Rush*

Darren B. Bernhard, Esquire
Peter E. Moll, Esquire
Howrey LLP
1299 Pennsylvania Ave., N.W.
Washington, DC 20004
Bernhardd@howrey.com
*Counsel for Intel Corporation and Intel
Kabushiki Kaisha*

B.J. Wade, Esquire
Glassman Edwards Wade & Wyatt, P.C.
26 N. Second Street
Memphis, TN 38103
bwade@gewwlaw.com
Counsel for Cory Wiles

Nancy L. Fineman, Esquire
Cotchett, Pitre, Simon & McCarthy
840 Malcolm Road, Suite 200
Burlingame, CA 94010
nfineman@cpsmlaw.com
Counsel for Trotter-Vogel Realty Inc.

Robert D. Goldberg, Esquire
Biggs and Battaglia
921 North Orange Street, P.O. Box 1489
Wilmington, DE 19899
goldberg@batlaw.com
*Counsel for Charles Dupraz, Vanessa Z.
DeGeorge, Melissa Goeke, Nancy Bjork,
James R. Conley, Jeff Vaught, Jim Kidwell,
Richard Caplan, Virginia Deering, Ficor
Acquisition Co. LLC, Tom Hobbs, David
Kurzman, Leslie March, Andrew Marcus,
Paula Nardella, Bill Richards, Maria Pilar
Salgado, Ron Terranova, Nancy Wolf, Ryan
James Volden and Carl Yamaguchi*

Donald Chidi Amamgbo, Esquire
Amamgbo & Associates, APC
1940 Embarcadero Cove
Oakland, CA 94606
donaldamamgbo@citycom.com
Counsel for Athan Uwakwe

Jeffrey F. Keller, Esquire
Jade Butman, Esquire
Law Offices of Jeffrey F. Keller
425 Second Street, Suite 500
San Francisco, CA 94107
jkeller@jfkellerlaw.com
jbutman@kellergrover.com
*Counsel for David E. Lipton, Maria I. Prohias,
Patricia M. Niehaus, Peter Jon Naigow, Ronld
Konieczka, Steve J. Hamilton, Susan Baxley
and Kevin Stoltz*

Gordon Ball, Esquire
Ball & Scott
550 W. Main Ave., Suite 750
Knoxville, TN 37902
gball@ballandscott.com
*Counsel for Andrew Armbrister and Melissa
Armbrister*

Joseph M. Patane, Esquire
Law Offices of Joseph M. Patane
2280 Union Street
San Francisco, CA 94123
jpatane@tatp.com
*Counsel for Karol Juskiewicz and Lawrence
Lang*

James Gordon McMillan, III, Esquire
Bouchard Margules & Friedlander
222 Delaware Avenue,
Suite 1400
Wilmington, DE 19801
jmcmillan@bmf-law.com
*Counsel for Raphael Allison and Matthew
Kravitz*

Michele C. Jackson, Esquire
Lieff Cabraser Heimann & Bernstein, LLP
Embarcadero Center West, 275 Battery Street,
30th Floor
San Francisco, CA 94111
mjackson@lchb.com
*Counsel for Huston Frazier, Jeanne Cook
Frazier and Brian Weiner*

A. Zachary Naylor, Esquire
Robert Kriner, Jr., Esquire
Robert R. Davis, Esquire
James R. Malone, Jr., Esquire
Chimicles & Tikellis, LLP
One Rodney Square, P.O. Box 1035
Wilmington, DE 19899
zacharynaylor@chimicles.com
robertkriner@chimicles.com
robertdavis@chimicles.com
jamesmalone@chimicles.com

Counsel for Gideon Elliott, Angel Genese, Nir Goldman, Paul C. Cysz, Elizabeth Bruderle Baran, Carrol Cowan, Russell Dennis, Damon DiMarco, Kathy Ann Chapman, Caresse Harms, JWRE Inc., Leonard Lorenzo, Michael E. Ludt, John Maita, Chrystal Moeller, Robert J. Rainwater, Mary Reeder, Stuart Schupler and Sonia Yaco

Ali Oromchian, Esquire
Finkelstein, Thompson & Loughran
601 Montgomery Street, Suite 665
San Francisco, CA 94111
ao@ftllaw.com
Counsel for Ian Walker, Damon DiMarco, Carrol Cowan, Leonard Lorenzo and Russell Dennis

Vincent J. Esades, Esquire
Muria J. Kruger, Esquire
Marguerite E. O'Brien, Esquire
Heins Mills & Olson, P.L.C.
3550 I.D.S. Center
80 S. Eight Street
Minneapolis, MN 55402
vesades@heinsmills.com
mkruger@heinsmills.com
mobrien@heinsmills.com
Counsel for Bergerson & Associates Inc.

Harry Shulman, Esquire
Robert Mills, Esquire
The Mills Law Firm
145 Marina Boulevard
San Rafael, CA 94901
harry@millslawfirm.com
deepbluesky341@hotmail.com
Counsel for Stuart Munson

Douglas A. Millen, Esquire
Steven A. Kanner, Esquire
Much Shelist Freed Denenberg Ament & Rubenstein, P.C.
191 North Wacker Drive, Suite 1800
Chicago, IL 60606
dmillen@muchshelist.com
skanner@muchshelist.com
Counsel for HP Consulting Services Inc. and Phillip Boeding

Garrett D. Blanchfield, Jr., Esquire
Mark Reinhardt, Esquire
Reinhardt Wendorf & Blanchfield
332 Minnesota Street, Suite E-1250
St. Paul, MN 55101
g.blanchfield@rwblawfirm.com
mreinhardt@comcast.net
Counsel for Susan Baxley

Hollis L. Salzman, Esquire
Kellie Safar, Esquire
Goodking Labaton Rudoff & Sucharow, LLP
100 Park Avenue
New York, NY 10017
hsalzman@labaton.com
ksafar@labaton.com
Counsel for Angel Genese, Gideon Elliott and Nir Goldman

Jason S. Kilene, Esquire
Daniel E. Gustafson, Esquire
Gustafson Gluek PLLC
650 Northstar East, 608 Second Avenue South
Minneapolis, MN 55402
jkilene@gustafsongluek.com
dgustafson@gustafsongluek.com
Counsel for Fiarmon Orthopedics & Sports Medicine PA

Lance A. Harke, Esquire
Harke & Clasby
155 S. Miami Avenue
Miami, FL 33130
lhake@harkeclasby.com
Counsel for Nathaniel Schwartz and Maria I. Prohias

Bruce J. Wecker, Esquire
Hosie McArthur LLP
One Market Street
Spear Street Tower #2200
San Francisco, CA 94105
bwecker@hosiela.com
Counsel for Dwight E. Dickerson

Francis O. Scarpulla, Esquire
Law Offices of Francis O. Scarpulla
44 Montgomery Street, Suite 3400
San Francisco, CA 94104
foslaw@pacbell.net
Counsel for Lazio Family Products, Law Offices of Laurel Stanley, William F. Cronin, Michael Brauch and Andrew Meimes

R. Bruce McNew, Esquire
Taylor & McNew, LLP
3711 Kennett Pike, Suite 210
Greenville, DE 19807
mcnew@taylormcnew.com
Counsel for Robert Marshall

Ian Otto, Esquire
Nathan Cihlar, Esquire
Straus & Boies, LLP
4041 University Drive, 5th Floor
Fairfax, VA 22030
dboies@straus-boies.com
Counsel for Dressed to Kill Custom Draperies LLC, Jose Juan, Edward Rush and Tracy Kinder

Allan Steyer, Esquire
Steyer Lowenthal Boodrookas Alvarez & Smith LLP
One California Street, Third Floor
San Francisco, CA 94111
asteyer@steyerlaw.com
Counsel for Cheryl Glick-Salpeter, Jay Salpeter, Jodi Salpeter and Michael H. Roach

Mario Nunzio Alioto, Esquire
Trump Alioto Trump & Prescott LLP
2280 Union Street
San Francisco, CA 94123
malimoto@tntp.com
Counsel for Karol Juskiewicz and Lawrence Lang

Steven A. Asher, Esquire
Robert S. Kitchenoff, Esquire
Weinstein Kitchenoff & Asher, LLC
1845 Walnut Street, Suite 1100
Philadelphia, PA 19103
asher@wka-law.com kitchenoff@wka-law.com
Counsel for Joseph Samuel Cone

Francis A. Bottini, Jr., Esquire
Wolf Haldenstein Adler Freeman & Herz
750 B Street, Suite 2770
San Diego, CA 92101
bottini@whafh.com

Counsel for Ryan James Volden, Ficor Acquisition Co LLC, Giacobbe-Fritz Fine Art LLC, Andrew Marcus, Bill Richards, Carl Yamaguchi, Charles Dupraz, David Kurzman, James R. Conley, Jeff Vaught, John Matia, Kathy Ann Chapman, Caresse Harms, JWRE Inc., Jim Kidwell, John Maita, Leslie March, Maria Pilar Salgado, Melissa Goeke, Nancy Bjork, Nancy Wolfe, Paula Nardella, Richard Caplan, Ron Terranova, Tom Hobbs, Vanessa Z. DeGeorge, Virginia Deering, Chrystal Moeller, Robert J. Rainwater, Mary Reeder and Sonia Yaco

Edward A. Wallace, Esquire
The Wexler Firm LLP
One N. LaSalle Street, Suite 2000
Chicago, IL 60602
eawallace@wexlerfirm.com
Counsel for Peter Jon Naigow

Jason S. Hartley, Esquire
Ross, Dixon & Bell LLP
550 West B Street, Suite 400
San Diego, CA 92101
jhartley@rdblaw.com
Counsel for Gabriella Herroeder-Perras

Fred Taylor Isquith, Esquire
Adam J. Levitt, Esquire
Wolf Haldenstein Adler Freeman & Herz
270 Madison Ave., 11th Floor
New York, NY 10016
isquith@whafh.com
levitt@whafh.com

Counsel for Ryan James Volden, Ficor Acquisition Co LLC, Giacobbe-Fritz Fine Art LLC, Andrew Marcus, Bill Richards, Carl Yamaguchi, Charles Dupraz, David Kurzman, James R. Conley, Jeff Vaught, John Matia, Kathy Ann Chapman, Caresse Harms, JWRE Inc., Jim Kidwell, John Maita, Leslie March, Maria Pilar Salgado, Melissa Goeke, Nancy Bjork, Nancy Wolfe, Paula Nardella, Richard Caplan, Ron Terranova, Tom Hobbs, Vanessa Z. DeGeorge, Virginia Deering, Chrystal Moeller, Robert J. Rainwater, Mary Reeder and Sonia Yaco

Jeffrey S. Goddess, Esquire
Rosenthal, Monhait, Gross & Goddess
Mellon Bank Center, Suite 1401
P.O. Box 1070
Wilmington, DE 19899
jgoddess@rmgglaw.com
Counsel for Ludy A. Chacon, Joseph Samuel Cone, Darice Russ and Michael K. Simon

Craig C. Corbitt, Esquire
Zelle, Hofmann, Voelbel, Mason & Gette LLP
44 Montgomery Street, Suite 3400
San Francisco, CA 94104
ccorbitt@zelle.com
Counsel for William F. Cronin, Law Offices of Laurel Stanley and Lazio Family Products

Scott E. Chambers, Esquire
Schmittinger & Rodriguez, P.A.
414 S. State Street
P.O. Box 497
Dover, DE 19903
schambers@scbmittrod.com
*Counsel for David Arnold, Andrew S. Cohn,
Jason Craig, Maria Griffin, Lena K. Manyin,
Paul Ramos and Michael Ruccolo*

Juden Justice Reed, Esquire
Schubert & Reed LLP
Two Embarcadero Center, Suite 1600
San Francisco, CA 94111
jreed@schubert-reed.com
Counsel for Patrick J. Hewson

Russell M. Aoki, Esquire
Aoki Sakamoto Grant LLP
One Convention Place
701 Pike Street, Suite 1525
Seattle, WA 98101
russ@aoki-sakamoto.com
Counsel for Kevin Stoltz

Richard A. Ripley, Esquire
Bingham McCutchen
1120 20th Street, NW, Suite 800
Washington, DC 20036
richard.ripley@bingham.com
Counsel for Intel Corporation

Donald L. Perelman, Esquire
Fine Kaplan & Black, RPC
1835 Market Street, 28th Flr
Philadelphia, PA 19103
dperelman@finekaplan.com
Counsel for Kevin Stoltz

Reginald Von Terrell, Esquire
The Terrell Law Group
223 25th Street
Richmond, CA 94804
REGGIET2@aol.com
Counsel for Athan Uwakwe

Natalie Finkelman Bennett, Esquire
Shepherd, Finkelman, Miller & Shah
65 Main Street
Chester, CT 06412-1311
nfinkelman@classactioncounsel.com
Counsel for Ludy A. Chacon

Michael L. Kirby, Esquire
Kirby Noonan Lance & Hoge LLP
One America Plaza
600 West Broadway, Suite 1100
San Diego, CA 92101
mkirby@knlh.com
Counsel for Justin Suarez

Jeffrey A. Bartos, Esquire
Guerrieri, Edmond, Clayman & Bartos, PC
1625 Massachusetts Avenue, NW
Washington, DC 20036
jbartos@geclaw.com
*Counsel for Jose Juan, Dressed to Kill Custom
Draperies, LLC, Tracy Kinder and Edward
Rush*

Randy R. Renick, Esquire
Law Offices of Randy Renick
128 North Fair Oaks Avenue, Suite 204
Pasadena, CA 91103
rrr@renicklaw.com
*Counsel for Shanghai 1930 Restaurant
Partners L.P. and Major League Softball Inc.*

Daniel Hume, Esquire
Kirby McInerney & Squire LLP
830 Third Avenue, 10th Floor
New York, NY 10022
dhume@kmslaw.com
Counsel for Raphael Allison and Matthew Kravitz

Scott Ames, Esquire
Serratore & Ames
9595 Wilshire Blvd., Suite 201
Los Angeles, CA 90212
scott@serratoreames.com
Counsel for Major League Softball, Inc.

Douglas G. Thompson, Jr., Esquire
Finkelstein, Thompson & Loughran
1050 30th Street N.W.
Washington, DC 20007
dgt@ftllaw.com
*Counsel for Ian Walker, Damon DiMarco,
Carrol Cowan, Leonard Lorenzo and Russell
Dennis*

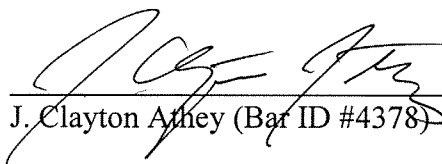
Daniel B. Allanoff, Esquire
Steven Greenfogel, Esquire
Meredith Cohen Greenfogel & Skirnick, P.C.
22nd Floor, Architects Building
117 S. 17th Street
Philadelphia, PA 19103
dallanoff@mcgslaw.com
sgreenfogel@mcgslaw.com
Counsel for Benjamin Allanoff

Harvey W. Gurland, Jr., Esquire
Duane Morris
200 S. Biscayne Blvd., Suite 3400
Miami, FL 33131
HWGurland@duanemorris.com
Counsel for Intel Corporation

Barbara C. Frankland, Esquire
Rex A. Sharp, Esquire
Gunderson Sharp & Walke, L.L.P.
4121 W. 83rd St., Ste. 256
Prairie Village, KS 66208
bfrankland@midwest-law.com
rsharp@midwest-law.com
Counsel for Marvin D. Chance, Jr.

VIA U.S. MAIL

Clerk Michael J. Beck
Clerk, MDL Judicial Panel
One Columbus Circle, N.E.
Room G-255, Federal Judiciary Bldg.
Washington, DC 20002-8004
Pro Se


J. Clayton Athey (Bar ID #4378)